

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks. Applicant has not amended any claims to overcome any cited art rejection.

IDS

The Office Action indicated that “[t]he IDS submitted October 5, 1998 is not present in the application . Office Action at ¶ 2. Accordingly, the Office Action requests a resubmission of this IDS “so that the art can be considered by the Examiner.” Office Action at ¶ 2. Applicant, therefore, is submitting a supplemental IDS containing the references contained in the IDS submitted on October 5, 1998.

35 U.S.C. 112 REJECTION

The Office Action rejected claims 66-74 under 35 U.S.C. 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Office Action at ¶ 4. With regard to claim 66, the Office Action indicated that “the phrase ‘the signal IDE interface’ lacks proper antecedent basis.” Office Action at ¶ 4. Additionally, the Office Action rejected claims 67-74 “because they incorporate deficiencies of claim 66.” Office Action at ¶ 4. Applicant has amended claim 66 to change the phrase “the signal IDE interface” to “the single IDE interface”, thereby providing proper antecedent basis. Accordingly, Applicant respectfully requests that the rejection of claims 66-74 under 35 U.S.C. 112, second paragraph be withdrawn.

DOUBLE PATENTING REJECTION

The Office Action rejected claim 34-74 “under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-30 of U.S. patent no. 5,802,398.” Office Action at ¶ 6.

Applicant respectfully submits a terminal disclaimer under 37 C.F.R. 1.321. Accordingly, Applicant respectfully requests that the obviousness-type double patenting rejection of claims 34-74 be withdrawn.

35 U.S.C. 103 REJECTION

The Office Action rejected claims 34-74 “under 35 U.S.C. 103 as being unpatentable over Klashka et al., U.S. Patent 4,803,623 (hereinafter “the Klashka patent” or “Klashka”). Applicant respectfully traverses this rejection.

Among the differences, claim 34 recites

a controller circuit coupled to the memory buffer and the storage medium, the storage device and a separate storage device to couple to a host computer through a same Intelligent Drive Electronics (IDE) interface, the controller circuit to receive data through the same IDE interface and to store the data into the buffer, the controller circuit to transmit the data from the buffer to the storage medium simultaneously at least in part with the separate storage device transmitting and/or receiving data using the same IDE interface. [Emphasis added].

The Office Action indicated that such a limitation is disclosed by Klashka by “Universal Peripheral Controller 209 and adapters 212 of figure 2 and at column 5, lines 46-64.” Office Action at ¶ 4. Applicant respectfully traverses this assertion. Klashka does disclose a controller (Universal Peripheral Controller (UPC) 209) along with buffers internal to adapters 212. Additionally, Klashka does disclose a given port that can include 2 channels for interfacing with the UPC.

However, Klashka states that “execution may be delayed because another channel on the same port is in the process of data transfer.” Klashka at column 7, lines 49-51. In other words, the system of Klashka locks up a given port or interface until a data transfer is complete for a given peripheral using that port or interface, thereby precluding of simultaneous transmitting of data for two different peripherals on a same port or interface. In contrast, claim 34 includes a controller circuit that allows for simultaneous transfers of data from a buffer to a storage medium for a given storage device while a separate storage device transmits and/or receives on a same interface.

Accordingly, Applicant respectfully requests that the rejection of claim 34 be withdrawn and that this claim be passed to allowance. Moreover in light of the arguments set forth above, Applicant respectfully requests that the rejection of the other pending claims that depend from claim 34 be withdrawn and that such claims be passed to allowance.

With regard to claim 46, among the differences, claim 46 recites “a third circuit to release the IDE interface for use with the separate storage device while the data is being transferred between the storage medium and the buffer.” The Office Action indicated that this circuit is disclosed in Klashka by UPC of Figure 2 along with column 5, lines 25-38 and column 7, lines 1-51. Applicant respectfully traverses this rejection. In contrast to “the third circuit” of claim 46, Klashka indicates that a given device is serviced prior to the servicing of a different device on the same port. In other words, Klashka does not disclose a system wherein an interface is released prior to the completion of a data transfer to the storage medium for a given device. In particular, Klashka states that “execution may be delayed because another channel on the same port is in the process of data transfer.” Klashka at column 7, lines 49-51. Accordingly, Applicant respectfully requests that the rejection of claim 46 be withdrawn and that this claim be passed to allowance. Moreover in light of the arguments set forth above,

Applicant respectfully requests that the rejection of the other pending claims that depend from claim 46 be withdrawn and that such claims be passed to allowance.

With regard to claim 51, among the differences, claim 51 recites “control circuitry to release the interface for use with the first storage device while data is being transferred between the storage medium and the buffer.” [Emphasis added]. The Office Action cited the same references within Klashka as cited for claim 46. Accordingly, in light of the arguments set forth above concerning claim 46, Applicant respectfully requests that the rejection of claim 51 be withdrawn and that this claim be passed to allowance. Moreover in light of the arguments set forth above, Applicant respectfully requests that the rejection of the other pending claims that depend from claim 51 be withdrawn and that such claims be passed to allowance.

With regard to claim 57, among the differences, claim 57 recites “releasing the IDE interface for use with the first storage device while the second storage device is accessing a tape medium in the second storage device responsive to the first command.” [Emphasis added]. The Office Action cited the same references within Klashka as cited for claim 46. Accordingly, in light of the arguments set forth above concerning claim 46, Applicant respectfully requests that the rejection of claim 57 be withdrawn and that this claim be passed to allowance. Moreover in light of the arguments set forth above, Applicant respectfully requests that the rejection of the other pending claims that depend from claim 57 be withdrawn and that such claims be passed to allowance.

With regard to claim 66, among the differences, claim 66 recites “transmitting data between the host computer and the first storage device over the single IDE interface simultaneous with at least part of the transmitting of data between the buffer and the storage medium.” [Emphasis added]. The Office Action cited the same references within Klashka as cited for claim 34. Accordingly, in light of the arguments set forth above concerning claim 34, Applicant respectfully requests that the rejection of claim 66 be withdrawn and that this claim be passed to allowance. Moreover in light of the

arguments set forth above, Applicant respectfully requests that the rejection of the other pending claims that depend from claim 66 be withdrawn and that such claims be passed to allowance.

THE TERM “IDE”

The Office Action indicated that “the examiner understands the claimed IDE interface as being the IDE interface that was known at the time of applicant’s invention.” Office Action at ¶ 9. Applicant respectfully traverses this assertion. Under M.P.E.P. 2111, “[d]uring patent examination, the pending claims must be ‘given the broadest reasonable interpretation consistent with the specification.’” M.P.E.P. 2111. Accordingly, Applicant respectfully submits that the IDE interface is not limited to the IDE interface that was known at the time of applicant’s invention. In particular, Applicant respectfully submits that the elements and limitations as set forth in the pending claims are applicable to different standards of the IDE interface.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that the rejections have been overcome and the pending claims are allowable. Accordingly, Applicants respectfully request allowance of the remaining claims.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is hereby invited to contact the undersigned at (512) 306-7645 if there remains any issue with allowance of this case.

CHARGE OUR DEPOSIT ACCOUNT

Please charge any shortage in connection with this communication to our Deposit Account No. 02-2666.

Respectfully submitted,

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